

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1600.00  
**COMPLAINT INVESTIGATOR:** Jane Taylor-Holmes  
**DATE OF COMPLAINT:** July 25, 2000  
**DATE OF REPORT:** August 15, 2000  
**REQUEST FOR RECONSIDERATION:** yes (no revisions resulted from reconsideration)  
**DATE OF CLOSURE:** September 20, 2000

**COMPLAINT ISSUES:**

Whether the Northern Community School Corporation of Tipton County and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-10-1 with regard to the school's alleged failure to follow the procedures to ensure the location, identification, and evaluation of a student who resides within the jurisdiction of the public agency, is less than twenty-two years of age, and is in need of special education and related services.

**FINDINGS OF FACT:**

1. The student (the "Student") is 13 years old and completed the sixth grade at the local middle school (the "School") during the 1999-2000 school year. The Student was not eligible for special education and related services during the past school year.
2. The Student was initially found eligible for special education and related services as a student with a communication disorder ("CD") on September 19, 1996, while in the third grade at the local elementary school.
3. At the Student's annual case review on May 6, 1997, the case conference committee (the "CCC") determined that the Student no longer required special education and related services. The Complainant agreed with the CCC's recommendation for discontinuing services, as indicated by her signature on the *CCC Report*.
4. On September 23, 1997, the Complainant met with the principal of the local elementary school because of the Complainant's concern that the Student was going to fail the fourth grade because the Student would not complete her work. An agreed-upon action plan was put into place which consisted of the following: counseling; moving the Student's desk; no recesses for the Student; homework assignment book to begin September 29, 1997; and in-school suspension.
5. The Student completed the fourth grade at the end of the 1997-98 school year, and was promoted to the fifth grade. Besides earning a satisfactory ("S") in physical education, music, art, and computers, the Student's final grades in her academic subjects were as follows.

Reading	C-
Oral and Written Expression	C-
Writing	B-
Spelling	C

Social Studies	D
Math	C+
Science	D+

6. On September 8, 1998, the Complainant requested an educational evaluation for the Student because of a suspected learning disability ("LD"). The Complainant completed the social and developmental history portion of the referral, and wrote the following with regard to the Student's study habits and homework completion, "doesn't want to do, she'll hide it, or lie..."

7. The Student's present levels of academic performance at the time of the Complainant's referral were as follows.

Reading	C
Spelling	C
Math	C+
Social Studies	D-
English	C
Language Arts	C
Science	C-

8. Based upon an interview with the Student's classroom teacher, the teacher licensed in LD (the "LD Teacher") wrote in the multidisciplinary team member evaluation report that the Student did not complete assignments. The LD teacher also wrote that she had observed the Student during math, and the Student did not have her book out of the desk after the lecture began.

9. The Student was evaluated on October 15, 1998. The psychologist wrote in the evaluation report that the Student exhibited characteristics of a general education student, and that current academic skills were within the range expected for the Student's measured intellectual ability. The Student's verbal IQ score was 82 and her performance IQ score was 80. The Student's full scale IQ fell within the borderline range at 79.

10. The CCC met to discuss the results of the educational evaluation on November 13, 1998. The Student was found ineligible for special education and related services.

11. The Student's final fifth grade grades for the 1998-99 school year were as follows.

Reading	C-
Oral and Written Expression	C+
Spelling	C-
Social Studies	C
Math	C-
Science	C

12. The Director reported that at the beginning of the 1999-2000 school year, a meeting was held to develop some ideas for helping the Student. One of the recommendations was to have a planner so that the Student's assignments would be written in it, and then the Complainant was to check the planner each day to ensure that the assignments would get done. According to the Director, the Complainant said that she could not do this. The Coordinator reported that the Student does not do her homework or her assignments, resulting in her poor grades.

13. In a "Dear Parent" letter dated January 14, 2000, from the middle school coordinator (the "Coordinator") and the middle school counselor (the "Counselor"), the Complainant was informed that the Student's first semester academic performance was questionable. The Complainant was also informed that academic probation and the possible consequence of retention were explained to the Student. Suggestions were given to the Complainant as to how she could assist the Student

with homework assignments.

14. In a letter dated June 5, 2000, the Complainant was notified that the middle school principal and the Coordinator recommended that the Student be placed on academic probation for the first six weeks of the 2000-01 school year. The letter also stated that If the Student fails to meet academic standards of a "C" or above in the four core subject areas, then the Student will be returned to the sixth grade for the remainder of the school year.
15. The Student's final grades for the 1999-2000 school year were as follows.

Math	F
English	F
Science	F
Social Studies	F
Art	B-
Physical Education	A
16. On June 27, 2000, the School principal and the Coordinator, along with other school personnel, met with the Complainant and the Student regarding communication and educational strategies that had been initiated to assist the Student. The discussion included the following issues regarding the Student: numerous incomplete assignments in all of the Student's subjects; dishonest communications from the Student regarding assignments, textbooks, and due dates; Student's lack of attentiveness; and opportunities to correct errors and receive individual teacher help were not utilized by the Student.
17. The discussion on June 27, 2000, also included strategies that the Student's classroom teacher used to accommodate the Student's needs during the 1999-2000 school year. Some of those strategies included the following: sending grade checks home every three weeks; communicating with the Student's tutor regarding specific skills needing improvement; and listing assignments and projects for the Student needing completion.
18. The local school corporation offers a "jump start" summer school for fourth and fifth graders. The "jump start" program began on July 24, 2000, and ended on August 4, 2000. As of July 28, 2000, the Student had attended only one day.
19. On June 30, 2000, the Complainant submitted a written request that the Student be evaluated for special education and related services. The Complainant completed the social and developmental history portion of the referral, and wrote the following with regard to the Student's study habits/homework, "doesn't like homework, hides it, lies about..."

#### **CONCLUSIONS:**

Findings of Fact #4 through #19 indicate that since the fourth grade the staff of the Student's elementary school and middle school have made numerous attempts to assist the Student in her classroom settings by offering and initiating various accommodations. However, the Findings indicate that the Student not only fails to complete required homework assignments, which the Complainant is cognizant of, but both the Student and the Complainant have not taken advantage of the opportunities offered to assist the Student with her lack of educational success. No violation of 511 IAC 7-10-1 has occurred.

**The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.**

DATE REPORT COMPLETED: August 15, 2000